

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

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KS State Board of Healing Arts

In the Matter of)
Pravin G. Sampat, M.D.)
) KSBHA Docket No. 09-HA00049
Kansas License No. 04-18013)
)
_____)

FINAL ORDER

NOW on this 21st day of October 2011, comes before the Kansas State Board of Healing Arts (“Board”) the Motion of Pravin G. Sampat, M.D. (“Licensee”) for Modification Subject to Substantive Substitute Safeguards regarding the Board’s Final Order entered on September 22, 2011. Licensee appears in person, and by and through his counsel, Richard W. Benson. Janith A Lewis, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to Board by K.S.A. 65-2801 *et seq.* and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the file, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

I. Findings

1. Pravin G. Sampat, M.D. (“Licensee”), is presently licensed to engage in the practice of medicine and surgery in the State of Kansas, License No. 04-18013, and has been so licensed since approximately February 1, 1979.

2. On or about April 30, 2010, the Board entered a Final Order indefinitely suspending Licensee’s license and imposing additional remedial measures.

3. On or about September 2, 2011, the Board issued a Final Order Terminating Suspension and Imposing Limitations on License which restricted Licensee's practice such that he is prohibited from engaging in solo practice, from prescribing controlled substances and from practicing the healing arts unless supervised.

4. The Final Order Terminating Suspension and Imposing Limitations on License allows Licensee to request modification or termination after one (1) year and sets forth specific factors the Board may evaluate in considering such a request.

5. Licensee's present Motion requests termination of the controlled substance prescribing limitation and replacement with a supervisory requirement.

6. In support of his Motion, Licensee maintains that he is unable to obtain employment because of the controlled substance prescribing limitation and provides correspondence from prospective employers as evidence thereof.

7. Licensee contends that he needs an unrestricted license to be employable. However, he is only requesting modification of the controlled substance prescribing restriction. Even if granted, Licensee's license would still be restricted in that he is prohibited from solo practice and practicing outside the supervisory terms set forth in the Final Order Terminating Suspension and Imposing Limitations on License.

8. Counsel for the Respondent Board filed a Response to Licensee's Motion and presented argument that Licensee has not put forth any evidence related to the factors articulated in the Final Order Terminating Suspension and Imposing Limitations on License.

II. Applicable Law

- a. K.S.A. 77-501 *et seq.* – Kansas Administrative Procedure Act
- b. K.S.A. 65-2801 *et seq.* – Kansas Healing Arts Act

III. Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

IV. Conclusions

9. The purpose of the limitations contained in the Final Order Terminating Suspension and Imposing Limitations on License is to protect the public's safety while Licensee works toward further rehabilitation and clinical competency.


10. The resulting difficulties that Licensee experiences due to the limitations imposed on his license do not present adequate cause for modification of the Final Order Terminating Suspension and Imposing Limitations on License.

11. Licensee has failed to show adequate cause to modify the controlled substance prescribing limitation on his license.

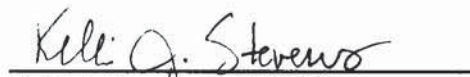
IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's Motion for Modification is hereby DENIED.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 21st DAY OF NOVEMBER, 2011, IN THE CITY OF
TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared by:


Kelli J. Stevens, #16032
General Counsel

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, a party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court, as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within **30 days** following service of the Final Order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, the Board's Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing **Final Order Denying Motion for Modification** was served this 21st day of November, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Pravin G. Sampat, M.D.
confidential

Topeka, Kansas 66610
Licensee

Richard W. Benson
Attorney at Law
1610 SW Topeka Blvd., 3rd Floor W.
Topeka, Kansas 66612
Attorney for Licensee

And a copy was hand-delivered to:

Janith A Lewis, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Melissa Massey, Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612



Cathy Brown
Executive Assistant